

2-89. Removal of Discharge or Threat of Discharge (1200 TN 312 2-89)**1. AUTHORITY.** Pursuant to Section 311(c) of the Clean Water Act (CWA), as amended:

- a. To remove or arrange for the removal of a discharge and to mitigate or prevent a substantial threat of a discharge;
- b. To direct or monitor all Federal, State, and private actions;
- c. To remove and, if necessary, destroy a vessel that is discharging or threatening to discharge;
- d. To consult with affected trustees; and
- e. To determine when the removal is complete.

2. TO WHOM DELEGATED. Director, Superfund and Emergency Management Division (SEMD); Chief, Preparedness and Response Branch, SEMD; Chief, Eastern Response Section, SEMD; Chief, Western Response Section, SEMD; On-Scene Coordinators, SEMD; Director, Enforcement and Compliance Assurance Division (ECAD); Chief, Data, Support and Prevention Branch; and Chief, Oil and Prevention Enforcement Section, ECAD.

3. LIMITATIONS.

- a. The authority in Paragraph 1.e. is limited by Section 1011 of the Oil Pollution Act to cases that involve the discharge of oil.
- b. The authority in Paragraph 1.a., 1.b., 1.c., and 1.d. is to be exercised in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and appropriate Area Contingency Plans, in order to ensure immediate and effective response.
- c. The authority in Paragraph 1.b. as it pertains to the issuance of orders does not extend to the authorities provided by Section 311(e) of the CWA or to any order issued pursuant to an Administrative Order by Consent.

4. REDELEGATION AUTHORITY.

- a. This authority may not be redelegated without formal amendment.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

2-89. Removal of Discharge or Threat of Discharge (continued)

5. ADDITIONAL REFERENCES.

a. Headquarters Delegation 2-85, January 19, 1993, entitled AAdministrative Orders Under Section 311(e) of the Clean Water Act.@

b. NCP, 40 CFR Part 300.

c. RCP, June 1, 1991, and as amended.

6. SUPERSESSION. Delegations Manual, CWA, Regional Delegation 2-89. Removal of Discharge or Threat of Discharge, 1200 TN RIII 164 (September 1, 2005).

Date: APR 15 2019



Cosmo Servidio
Regional Administrator